IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8765 OF 2004

1. Shri Anil Govind Deshpande

and ors. .. Petitioners

Vs

1. Shri Eknath Narhar Pathak

and ors. .. Respondents

Mr S.J.Rairkar, for the petitioners.

CORAM : D.B.BHOSALE,J.

DATE : 23rd November, 2004.

PC:

1. Heard the learned counsel for the petitioners.

2. This petition is directed against the order dated 29.4.2004 passed by the learned District Judge, Sangli, by which Misc.Civil Application No.230 of 2003 filed under section 24 of CPC seeking transfer of final decree application bearing No.53 of 1970, has been rejected. I have perused the impugned order and in particular paragraph 8 thereof. It appears that the petitioners' previous application seeking similar relief had been rejected and that order was not carried in appeal. Mr Rairkar, learned counsel for the petitioners, submits

that mere apprehension in the mind of a litigant that he may not have a fair and impartial trial is sufficient seeking transfer of his case from a particular Judge. However, he could not place on record any material in support of the petitioners apprehension of bias against the learned Judge who is dealing with the final decree application. In my opinion, the learned District Judge has rightly rejected the application filed under section 24 of CPC for the reasons recorded in the impugned order. I see no reason to interfere with the order impugned in the petition which, to my mind, is just and proper. The writ petition is dismissed.

(D.B.BHOSALE, J.)